

Attorney Docket No.: 18158-013210US  
Client Reference No.: VX-1082 & VX-113

### DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **GENERATING SCANNING SPOT LOCATIONS FOR LASER EYE SURGERY** the specification of which was filed on March 13, 2001 as Application No. 09/805,737.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
60/189,633	03/14/00

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

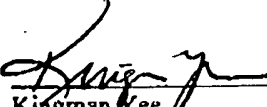
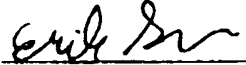
Chun-Pok Leung, Reg. No. 41,405  
Mark D. Barrish, Reg. No. 36,443

Send Correspondence to: <b>Chun-Pok Leung</b> <b>TOWNSEND and TOWNSEND and CREW LLP</b> <b>Two Embarcadero Center, 8<sup>th</sup> Floor</b> <b>San Francisco, California 94111-3834</b>	Direct Telephone Calls to: (Name, Reg. No., Telephone No.) Name: <b>Chun-Pok Leung</b> Reg. No.: <b>41,405</b> Telephone: <b>650-326-2400</b>
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Full Name of Inventor 1:	Last Name: <b>YEE</b>	First Name: <b>KINGMAN</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>Sunnyvale</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>1081 W. Olive Avenue, #4</b>	City: <b>Sunnyvale</b>	State/Country: <b>California</b>	Postal Code: <b>94086</b>
Full Name of Inventor 2:	Last Name: <b>GROSS</b>	First Name: <b>ERIK</b>	Middle Name or Initial:	
Residence & Citizenship:	City: <b>San Jose</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>4240 Albany Drive, #6-305</b>	City: <b>San Jose</b>	State/Country: <b>California</b>	Postal Code: <b>95129</b>

Attorney Docket No.: 18158-013210US  
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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  Kingman Kee	Signature of Inventor 2  Erik Gross
Date 9/7/01	Date 9/7/01

PA 3142593 v1



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

RL  
018158 013210VS

NOVEMBER 15, 2001

PTAS

TOWNSEND AND TOWNSEND AND CREW LLP  
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SAN FRANCISCO, CALIFORNIA 94111-3834

Chief Financial Officer and Chief Administrative Officer  
Washington, DC 20231  
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UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/10/2001

REEL/FRAME: 012152/0357  
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
YEE, KINGMAN

DOC DATE: 09/07/2001

ASSIGNOR:  
GROSS, ERIK

DOC DATE: 09/07/2001

ASSIGNEE:  
VISX, INC.  
3400 CENTRAL EXPRESSWAY  
SANTA CLARA, CALIFORNIA 95051-0703

SERIAL NUMBER: 09805737  
PATENT NUMBER:

FILING DATE: 03/13/2001  
ISSUE DATE:

SHAREILL COLES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

09-17-2001

Attorney Docket No. 018158-013210US

Form PTO-1595

(Rev. 03-01)

OMB No. 0651-0027 (exp. 5/31/2002)

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U.S. Department of Commerce  
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof

## 1. Name of conveying party(ies):

Kingman Yee  
Erik Gross

09/10/01

Additional name(s) of conveying parties attached? ☒ Yes ☐ No.

## 3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other: \_\_\_\_\_

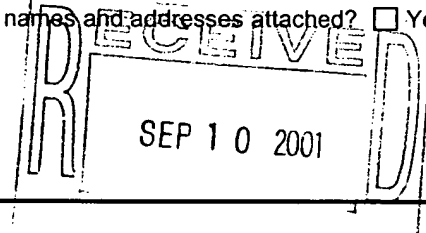
Execution Date: September 7, 2001 and September 7, 2001

## 2. Name and address of receiving party(ies)

Name: VISX, Inc.

Street Address: 3400 Central Expressway

City: Santa Clara State: CA ZIP: 95051-0703

Additional names and addresses attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s).

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No(s): 09/805,737; Filed March 13, 2001

B. Patent No(s):

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Chun-Pok Leung  
TOWNSEND AND TOWNSEND AND CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
(415) 576-0200

## 6. Total number of applications and patents involved 1

7. Total fee (37 CFR 3.41): \$40.00

- ☐ Enclosed  
☒ Authorized to be charged to deposit account

8. Deposit account number: 20-1430

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true or copy of the original document.

Chun-Pok Leung

Name of Person Signing  
Atty. Reg. No. 41,405

Signature

9.7.01

Date

Total number of pages including cover sheet, attachments and document 2

Mail documents to be recorded with required cover to:  
Commissioner of Patents and Trademarks, Box Assignments  
Washington, D.C. 20231

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Attorney Docket No.: 18158-013210US  
Client Reference No.: VX-1082 & VX-113

**ASSIGNMENT OF PATENT APPLICATION**

JOINT

WHEREAS, Kingman Yee, of 1081 W. Olive Avenue, #4, Sunnyvale, CA 94086; Erik Gross, of 4240 Albany Drive, #6-305, San Jose, CA 95129; hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention:           GENERATING SCANNING SPOT LOCATIONS FOR  
LASER EYE SURGERY

Date(s) of execution of Declaration:

Filing Date:               March 13, 2001

Application No.:           09/805,737; and

WHEREAS, VISX, Inc., a corporation of the state of Delaware, located at 3400 Central Expressway, Santa Clara, CA, 95051-0703, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

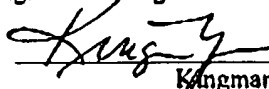
For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

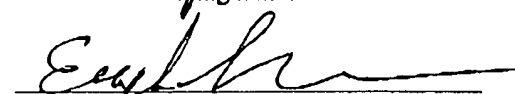
Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8<sup>th</sup> Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 7/7/01

  
Kingman Yee

Dated: 9/7/2001

  
Erik Gross